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FISCAL IMPACT STATEMENT

LS 7977   **NOTE PREPARED:** Jan 13, 2005
BILL NUMBER: SB 588   **BILL AMENDED:**

SUBJECT: Methamphetamine.

FIRST AUTHOR: Sen. Weatherwax   **BILL STATUS:** As Introduced
FIRST SPONSOR:

FUNDS AFFECTED: **X** **GENERAL**   **IMPACT:** State & Local
                    X **DEDICATED**
                        FEDERAL

Summary of Legislation: This bill permits ephedrine and pseudoephedrine to be dispensed only at a pharmacy by a licensed pharmacist. It requires ephedrine and pseudoephedrine to be dispensed in a package that contains not more than 12 capsules. It also requires a person who purchases ephedrine or pseudoephedrine to present photo identification and sign a receipt or record book.

The bill makes unlawful dispensing of ephedrine a Class D felony. It makes the possession of more than nine grams of ephedrine or pseudoephedrine over a 30-day period a Class D felony. The bill also exempts ephedrine or pseudoephedrine that is in liquid form or dispensed upon a prescription from the dispensing and possession restrictions.

Effective Date: July 1, 2005.

Explanation of State Expenditures: This bill makes it a Class D felony for unlawfully dispensing certain forms of ephedrine or pseudoephedrine in a package that contains more than 12 capsules and for possessing more than nine grams of ephedrine or pseudoephedrine. A Class D felony is punishable by a prison term ranging from six months to three years or reduction to Class A misdemeanor depending upon mitigating and aggravating circumstances. The average expenditure to house an adult offender was $21,514 in FY 2004, ranging from a low of $16,645 to a high of $49,281. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately $1,825 annually, or $5 daily, per prisoner. The estimated average cost of housing a juvenile in a state juvenile facility was $59,574, with the costs ranging from a low of $52,420 to a high of $77,674. The average length of stay in Department of Correction (DOC) facilities for all Class D felony

offenders is approximately ten months.

Explanation of State Revenues: If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class D felony is $10,000. Criminal fines are deposited in the Common School Fund.

If the case is filed in a circuit, superior, or county court, 70% of the $120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund.

Explanation of Local Expenditures: If more defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase. The average cost per day is approximately $44.

Explanation of Local Revenues: If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the $120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. (2) A $3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A $2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

State Agencies Affected: Department of Correction.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: Indiana Sheriffs' Association, Department of Correction.

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